

1 MORGAN, LEWIS & BOCKIUS LLP  
2 JAMI WINTZ MCKEON (SBN 237923)  
jmkeon@morganlewis.com  
3 ELIZABETH A. FROHLICH (SBN 195454)  
efrohlich@morganlewis.com  
One Market, Spear Street Tower  
4 San Francisco, CA 94105-1126  
Tel: 415.442.1000  
5 Fax: 415.442.1001

6 MORGAN, LEWIS & BOCKIUS LLP  
CHRISTIAN J. MIXTER  
cmixter@morganlewis.com  
1111 Pennsylvania Avenue, NW  
8 Washington, DC 20004-2541  
Tel: 202.739.3000  
9 Fax: 202.739.3001

10 Attorneys for Defendant  
Deutsche Bank Securities Inc.

11 **IN THE UNITED STATES DISTRICT COURT**  
12  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
13  
**SAN FRANCISCO DIVISION**

14  
15 LOUISIANA PACIFIC CORPORATION,  
16 Plaintiff,

17 vs.  
18 MONEY MARKET 1 INSTITUTIONAL  
INVESTMENT DEALER, MERRILL  
19 LYNCH & CO., INC., MERRILL  
LYNCH, PIERCE, FENNER & SMITH  
20 INCORPORATED, AND DEUTSCHE  
BANK SECURITIES INC.,

21 Defendants.

22  
23 Case No. C 09 03529 JSW  
24 Assigned to the Honorable Jeffrey S. White  
(Courtroom 11)

25  
**STIPULATION AND [PROPOSED]  
26 ORDER EXPANDING DEPOSITION  
AND INTERROGATORY LIMITS**

27  
28 CASE NO. C 09-03529-JSW

STIPULATION AND [PROPOSED] ORDER EXPANDING DEPOSITION AND INTERROGATORY LIMITS

1 Plaintiff Louisiana Pacific Corporation (“Louisiana Pacific”) and Defendant Deutsche  
 2 Bank Securities Inc. (“DBSI”) hereby stipulate, by and through their counsel of record, as  
 3 follows:

4 WHEREAS, Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. and Saveri &  
 5 Saveri, Inc. (“Plaintiff’s Counsel”) represent Louisiana Pacific in this matter and also represent  
 6 another plaintiff, The Anschutz Corporation (“Anschutz”), in a separate matter entitled *The*  
 7 *Anschutz Corporation v. Merrill Lynch & Co., Inc., et al.*, Case No. 09-3780-SI (the “Anschutz  
 8 Case”), in which Anschutz asserts claims against DBSI that, like the claims in this matter, relate  
 9 to Anschutz’s purchases of certain auction rate securities known as Cambers, Pivots and  
 10 Capstans;

11 WHEREAS, in its Second Amended Complaint, Louisiana Pacific asserts claims against  
 12 Defendants DBSI and Money Market 1 Institutional Investment Dealer (“MM1”) that are related  
 13 to Louisiana Pacific’s purchases of certain series of auction rate securities (“ARS”);

14 WHEREAS, Defendant MM1 has filed for and emerged from Chapter 7 bankruptcy  
 15 proceedings, and Louisiana Pacific and DBSI understand that Defendant MM1 will not actively  
 16 participate in this litigation;

17 WHEREAS, Plaintiff’s Counsel has taken the depositions of five (5) DBSI Witnesses in  
 18 depositions that were captioned in both the *Anschutz* Case and this case, and wishes to take  
 19 additional depositions in this case;

20 WHEREAS, Plaintiff’s Counsel has propounded twenty-nine (29) numbered written  
 21 interrogatories to DBSI in the *Anschutz* Case pursuant to FRCP, Rule 33 – which Plaintiff’s  
 22 Counsel and counsel for DBSI have agreed may be deemed propounded by Louisiana Pacific in  
 23 this litigation – and wishes to serve further interrogatories upon DBSI in this case;

24 WHEREAS, DBSI served Responses and Objections in the *Anschutz* Case to  
 25 Interrogatories Nos. 1 through 23 propounded in that case, which Plaintiff’s Counsel and counsel  
 26 for DBSI have agreed shall be deemed DBSI’s objections and responses in this litigation;

27 WHEREAS, to fully discover the facts surrounding Louisiana Pacific’s allegations and  
 28 DBSI’s defenses in this case, Louisiana Pacific believes that it must conduct more than the ten

depositions and must serve more than the 25 interrogatories permitted by FRCP, Rule 30;

WHEREAS, to fully discover the facts surrounding Louisiana Pacific's allegations and DBSI's defenses in this case, DBSI believes that it must conduct more than the ten depositions and must serve more than the 25 interrogatories permitted by FRCP, Rule 30;

**WHEREAS**, Plaintiff's Counsel and counsel for DBSI have met and conferred and agree that:

1. Louisiana Pacific may take 20 depositions (including the five depositions already taken in both the *Anschutz* Case and this case), and may serve upon DBSI a total of 35 interrogatories (including the twenty-nine interrogatories already served in the *Anschutz* Case); and
  2. DBSI may take 20 depositions and may serve upon Louisiana Pacific a total of 35 interrogatories.

**IT IS HEREBY STIPULATED THAT:**

1. Louisiana Pacific may take 20 depositions (including the five depositions already taken in both the *Anschutz* Case and this case);
  2. DBSI may take 20 depositions;
  3. Louisiana Pacific may serve a total of 35 interrogatories upon DBSI (including the twenty-nine interrogatories already served in the *Anschutz* Case); and
  4. DBSI may serve a total of 35 interrogatories upon Louisiana Pacific.

Dated: July 11, 2012

/s/ Andrew M. Hetherington  
Attorney for Plaintiff  
*Louisiana Pacific Corporation*

Dated: July 11, 2012

/s/ Christian J. Mixter  
Attorney for Defendant  
*Deutsche Bank Securities Inc.*

## **IT IS SO ORDERED.**

Date: July 12, 2012

  
Honorable Jeffery S. White  
United States District Court Judge